

REMARKS

Claims 1-15, 17-50, 52-55 and 60-66 are pending. Claims 2-17, 24-29, 31-32, 36-47, 51 and 56-59 stand withdrawn from prosecution as being drawn to a non-elected species. By this Amendment, claims 16, 51 and 56-59 are cancelled, claims 60-66 are added, and claims 1-2, 5, 7, 9, 12, 18, 23-24, 26-27, 29, 31-32, 36-41, 43, 46, 48 and 53-55 are amended.

The Office Action asserts that new corrected formal drawing are required. Reference is now made to a March 23, 2006 telephone conference between Examiner Gevell Selby and the applicants' undersigned representative. At the telephone conference it was agreed that the electronic file wrapper of the above-identified application does indeed include formal drawings that were submitted April 29, 2002 in substitute for the informal drawings filed with the original application, and the requirement for new drawings is already satisfied.

A. Claims 2-17, 24-29, 31-32, 36-47, 51 and 56-59 stand withdrawn from prosecution as being drawn to a non-elected species. It is earnestly solicited that claims 24-29 and 31-32 be rejoined to the prosecution for at least the following reasons.

(1) Claims 18-23, 30, 33-35, 48-50 and 55 stand objected to as being dependent upon a rejected base claim. However, the Office Action states that claims 18-23, 30, 33-35, 48-50 and 55 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(2) Claims 18, 23 and 48 are rewritten in independent form. Accordingly, claim 18, together with dependent claims 19-22 that are dependent on claim 18, are in condition for allowance. Also, claim 23, together with claims 24-35 that are dependent on claim 23, are in condition for allowance. Similarly, claim 48, together with claims 49 and 50 that are dependent on claim 48, are in condition for allowance.

(3) Claims 24-29 and 31-32 should be rejoined to the prosecution since they depend on claim 23, the subject matter of which has been indicated to be allowable. Since claim 23 has been presented in independent form, it is now in condition for allowance, and in as much as claims 24-29 and 31-32 are all dependent on claim 23 and in as much as

claims 24-29 and 31-32 all currently stand withdrawn from prosecution, rejoinder of these claims at this time is earnestly solicited.

B. Original claim 1 is split into amended claim 1 and new claim 60. New claim 60 encompasses the elected species, and amended claim 1 no longer encompasses the elected species.

(1) As filed, original claim 1 specifies “a rotatable structure” that was either a first or a second structure (claimed as “one of a first structure and a second structure”). The first structure was specified as:

wherein the first structure includes a first transmission sector, a first reflection sector disposed adjacent to the first transmission sector, a second transmission sector disposed adjacent to the first reflection sector and a second reflection sector disposed adjacent to the second transmission sector

and second structure was specified as:

wherein the second structure includes a first reflection sector, a first opaque sector disposed adjacent to the first reflection sector, and a first transmission sector disposed adjacent to the first opaque sector.

By this Amendment, amended claim 1 is now limited to cameras where the rotatable structure is the first structure, and new claim 60 has been added, based on original claim 1 but limited to cameras where the rotatable structure is the second structure. Collectively, amended claim 1 and new claim 60 retain all of the claim scope of original claim 1.

(2) The species that was elected in earlier prosecution is subspecies 1B, FIG. 3. It is the subject matter of new claim 60 that encompasses the elected species, and amended claim 1 no longer encompasses the elected species. Some of the other claims have been amended to adjust grammar and to ensure proper reference to the above-identified new claim 60 instead of amended claim 1 in as much as the scope of original claim 1 was split into amended claim 1 and new claim 60.

(3) By this Amendment, new claim 61, dependant on claim 60, has been added to specify a second opaque sector. This second opaque sector is a feature that was

removed from original claims 36 and 37 by this Amendment, and claims 36 and 37 amended to depend from claim 61.

(4) By this Amendment, new claim 62 (dependent on claim 60) has been added, and new claim 62 specifies the first reflection sector as including a coating that filters out near infrared wavelengths of the light. Claim 38 (originally dependent on claim 1) has been amended to be dependent on claim 62. Claim 40 (dependent on claim 38) has been amended to remove a limitation that the first reflection sector includes a coating that filters out near infrared wavelengths of the light since this limitation was added in new claim 62.

C. The Office Action rejects claim 52 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,667,226 to Glenn.

Anticipation under 35 U.S.C. § 102 is a strict standard. “A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Office Action argues that Glenn ‘226 discloses in FIG. 1, a method that includes integrating first and second charges in respective first and second sensors and then:

transferring the integrated first and second charge from the respective first and second sensors while a first opaque sector of the rotatable structure prevents the first and second image light from impinging on at least one of the first and second sensors.

The Office Action cites column 5, lines 41-60 of Glenn ‘226 for disclosure of “transferring the integrated first and second charge from the respective first and second sensors while a first opaque sector of the rotatable structure prevents the first and second image light from impinging on at least one of the first and second sensors,” as it is specified in claim 52.

To the contrary, there is no disclosure that cameras 130, 140 transfer charge during the opaque time period. Even though Glenn’s disk 41 (FIG. 3) may be opaque, there is no

disclosure that Glenn's disk 101 (FIG. 2) includes an opaque sector (see column 4, line 51 through column 5, line 5). Claim 52 is a method claim, and Glenn '226 includes no express disclosure or inherent functionality of the cameras of Glenn '226 that would require the transferring feature specified in claim 52.

Accordingly, withdrawal of the rejection of claim 52 as anticipated by Glenn '226 is sincerely solicited.

D. The Office Action rejects claims 53 and 54 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,891,568 to Glenn. If applicable to the present claims, this rejection is respectfully traversed.

Method claims 53 and 54 have been amended. Both still encompass the elected species exemplified by FIG. 3, but represent the rotatable structure spinning in opposite directions.

Glenn '568 does not disclose a method that includes:

transferring the first charge from the first sensor while a second image light passes through a first transmission sector of the rotatable structure onto a second sensor; and

integrating a second charge in the second sensor while the second image light passes through the first transmission sector onto the second sensor

as specified in claim 53, and therefore contained in claims 63-64 dependent on claim 53. Claims 63 and 64 specify additional sectors.

Glenn '568 does not disclose a method that includes:

transferring the integrated first charge from the first sensor while a first reflection sector of the rotatable structure prevents a second image light from impinging on the first sensor; and

integrating a second charge in the second sensor while the second image light reflects from the first reflection sector onto the second sensor

as specified in claim 54, and therefore contained in claims 65-66 dependent on claim 54. Claims 65 and 66 specify additional sectors.

E. The Office Action rejects claim 1 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,891,568 to Glenn in view of U.S. Patent No. 5,883,696

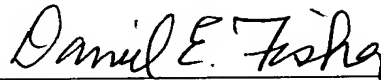
to Bowers et al. As discussed above, original claim 1 was split into amended claim 1 (now encompassing a non-elected species) and new claim 60 (encompassing the elected species). Accordingly, this rejection will be addressed as a rejection of new claim 60 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,891,568 to Glenn in view of U.S. Patent No. 5,883,696 to Bowers et al.

The Office Action points out that the rotating structure in FIG. 6 of Glenn '568 includes an opaque sector. However, Glenn '568 does not disclose "a first transmission sector disposed adjacent to the first opaque sector," as specified in claim 60. Furthermore, Bowers et al. does not disclose this feature either.

Accordingly, withdrawal of the rejection of claim 60 as unpatentable over Glenn '568 in view of Bowers et al. is respectfully solicited.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Daniel E. Fisher, Reg. No. 34,162
Attorney/Agent for Applicants

MILLEN, WHITE, ZELANO &
BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: DALSAINC-0058

Date: March 27, 2006